

Entered on Docket
May 14, 2013
GLORIA L. FRANKLIN, CLERK
U.S. BANKRUPTCY COURT
NORTHERN DISTRICT OF CALIFORNIA

UNITED STATES BANKRUPTCY APPELATE PANEL
OF THE NINTH CIRCUIT

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2013 MAY 10 PM 3:29
U.S. BANKRUPTCY COURT
NORTHERN DIST. OF CA.
OAKLAND, CA.

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In re: PICONGEN WIRELESS, INC.

Debtor

ANKIT SAHU, Equity Holder of Debtor;
RONALD W. MOECKEL, Equity Holder of
Debtor; MAX LIGHTFOOT, Equity Holder
of Debtor; SAI MANAPRAGADA, Equity
Holder of Debtor; SHARAT YEMPATI,
Equity Holder of Debtor

BAP No. NC-13-1065

Bankr. No. 12-48131
Chapter 7

Appellants

v.

May 7, 2013

PAUL MANSDORF, Chapter 7 Trustee;
SIGMA GROUP, INC.; ROBERT
GROOVER, III, Esquire; ALVIN DALE
KLUESING; DAVID E. BARTLETT;
AVERETT FAMILY TRUST

Appellees

ORDER OF DISMISSAL

The attached Order warning of possible dismissal was served on the parties. The parties have failed to file a written response showing legal cause why this appeal should not be dismissed.

Therefore, it is hereby **ORDERED** that the appeal is **DISMISSED** for failure to prosecute.

This order is subject to reconsideration by the Panel if a written request for judicial review is received within FOURTEEN (14) days of the entry of the order. 9th Cir. BAP Rule 8070-1.

A certified copy of this order sent to the Bankruptcy Court shall constitute the mandate of the Panel.

Susan M Spraul, BAP Clerk

By: Freddie Brown, Deputy Clerk
Filed and entered: May 7, 2013

CERTIFICATE OF MAILING

The undersigned, deputy Clerk of the U.S. Bankruptcy Appellate Panel of the Ninth Circuit, hereby certifies that a copy of the document to which this certificate is attached was transmitted this date to all parties of record to this appeal, to the United States Trustee and to the Clerk of the Bankruptcy Court.

By: Freddie Brown, Deputy Clerk
Date: May 7, 2013

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OF THE NINTH CIRCUIT**

In re: PICONGEN WIRELESS, INC.

Debtor

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Appellees

CONDITIONAL ORDER OF DISMISSAL

The parties were notified that the briefing schedule was set in this appeal. The Appellants' opening brief and excerpts of the record have not been received. The appellants' opening brief due date was April 5, 2013 .

Therefore, it appears that the Appellant is not diligently prosecuting this appeal. Sanctions, including dismissal, are appropriate. 9th Cir. BAP Rule 8009(a)-1(b)(3).

It is **ORDERED** that this appeal will be **DISMISSED as of April 24, 2013** unless, by that date, the Appellant files a brief and excerpts of the record or shows legal cause why this appeal should not be dismissed. Any response to this order is to be filed with the Panel Clerk and served upon opposing counsel.

If the Appellant has decided to dismiss this appeal, a motion or stipulation to dismiss should be filed. See FRBP 8001(c).

Susan M Spraul, BAP Clerk

By: Freddie Brown, Deputy Clerk
Filed and entered: April 10, 2013

cc: All Parties